

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
GIOVANNI ASCENSIO,
Defendant.

Case No. 12-cr-00119-SI-1

**ORDER GRANTING DEFENDANT
GIOVANNI ASCENSIO'S MOTION TO
VACATE OR CORRECT SENTENCE
PURSUANT TO 28 U.S.C. § 2255 AND
DIRECTING THE PREPARATION OF
AMENDED JUDGMENT**

Re: Dkt. No. 1739

On June 2, 2020, defendant Giovanni Rimando Ascensio filed a motion for relief pursuant to 28 U.S.C. § 2255. Mr. Ascensio’s motion requests that the Court vacate his conviction for one count of possession of a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c), based on the United States Supreme Court decision in *United States v. Davis*, 139 S.Ct. 2319 (2019).¹ The government does not oppose dismissal of the section 924(c) conviction.

Accordingly, the Court GRANTS defendant's motion to vacate his conviction for violation of 18 U.S.C. § 924(c). The Court directs the preparation of an amended Judgment reflecting that vacatur.

IT IS SO ORDERED.

Dated: July 13, 2020

SUSAN ILLSTON
United States District Judge

¹ Defendant has reserved his right to request early termination of supervised release at a later date. Dkt. No. 1757.